

MAR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

KENNETH WILLIAM JACOBSEN,

Plaintiff - Appellant,

v.

CLARENCE E. HAYNES; et al.,

Defendants - Appellees.

No. 05-55623

D.C. No. CV-04-00832-CJC(AN)

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Kenneth William Jacobsen appeals pro se from the district court's judgment dismissing his civil rights action pursuant to Federal Rule of Civil Procedure

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

12(b)(6) for failure to state a claim. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Zimmerman v. City of Oakland*, 255 F.3d 734, 737 (9th Cir. 2001), and we affirm.

The district court properly dismissed Jacobsen's action against Commissioner Haynes as barred by judicial immunity. *See Franceschi v. Schwartz*, 57 F.3d 828, 830 (9th Cir. 1995).

Jacobsen's objection to the magistrate judge's jurisdiction is without merit. *See* 28 U.S.C. § 636(b)(1)(B) (a district court judge can designate a magistrate judge to issue proposed findings of fact and recommendations).

The district court did not abuse its discretion in granting Haynes's motion to set aside the default because Haynes did not engage in any culpable conduct that led to the default, and had not been properly served. *See Franchise Holding II, LLC v. Huntington Restaurants Group, Inc.*, 375 F.3d 922, 925-26 (9th Cir. 2004).

Jacobsen's remaining contentions are unpersuasive.

AFFIRMED.